

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 194

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO SPORT SHOOTING ACTIVITIES; AMENDING TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 27, TITLE 6, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR A LIMITATION OF LIABILITY ON CERTAIN SPORT SHOOTING ACTIVITIES AND TO PROVIDE EXCEPTIONS; AND AMENDING SECTION 6-904B, IDAHO CODE, TO PROVIDE AN EXCEPTION TO GOVERNMENTAL LIABILITY RELATING TO CERTAIN SPORT SHOOTING RANGES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 27, Title 6, Idaho Code, and to read as follows:

CHAPTER 27

IDAHO SPORT SHOOTING ACTIVITIES IMMUNITY ACT

6-2701. DEFINITIONS. As used in this chapter:

(1) "Engaged in sport shooting activities" means entering and exiting a sport shooting range, preparing to shoot, waiting to shoot, shooting and assisting another person in shooting. The term includes being a spectator, receiving training or otherwise being present on a sport shooting range for any reason;

(2) "Participant" means any person who engages in sport shooting activities, whether or not a fee is paid to participate in such sport shooting activities;

(3) "Sport shooting activities" means the use of firearms, airguns and archery equipment for target practice, competition, training, instruction or other similar activities;

(4) "Sport shooting instructor" means a person engaged, whether or not for compensation, in instructing, training or coaching a participant in sport shooting activities;

(5) "Sport shooting range" or "range" means an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery or any other similar sport shooting;

(6) "Sport shooting range operator" means an individual, group or club, partnership, limited liability company or corporation, whether or not operating for profit, which owns, operates or otherwise provides a range for sport shooting activities; and

(7) "Sport shooting sponsor" means an individual, group or club, partnership, limited liability company or corporation, whether or not operating for profit, which promotes or conducts sport shooting activities.

6-2702. LIMITATION OF LIABILITY ON SPORT SHOOTING ACTIVITIES. (1) Except as provided in subsection (2) of this section, a sport shooting range operator, sport shooting sponsor or sport shooting instructor shall not be liable for any injury, including

1 an injury causing death, to a participant engaged in sport shooting activities and, except as
 2 provided in subsection (2) of this section, no participant or participant's representative, may
 3 maintain an action against, or recover from, a sport shooting range operator, sport shooting
 4 sponsor or sport shooting instructor for an injury to, or the death of, a participant engaged in
 5 sport shooting activities.

6 (2) Nothing in subsection (1) of this section shall prevent or limit the liability of a sport
 7 shooting range operator, sport shooting sponsor or sport shooting range instructor:

8 (a) If the sport shooting range operator, sport shooting sponsor or sport shooting
 9 instructor:

10 (i) Commits an act or omission that constitutes gross negligence or willful and
 11 wanton disregard for the safety of the participant and that act or omission caused
 12 the injury; or

13 (ii) Intentionally injures the participant.

14 (b) Under liability provisions as set forth in the products liability laws; or

15 (c) Under the liability provisions set forth in chapter 9, title 6, Idaho Code.

16 SECTION 2. That Section 6-904B, Idaho Code, be, and the same is hereby amended to
 17 read as follows:

18 6-904B. EXCEPTIONS TO GOVERNMENTAL LIABILITY. A governmental entity
 19 and its employees while acting within the course and scope of their employment and without
 20 malice or criminal intent and without gross negligence or reckless, willful and wanton conduct
 21 as defined in section 6-904C, Idaho Code, shall not be liable for any claim which:

22 1. Arises out of the detention of any goods or merchandise by any law enforcement
 23 officer.

24 2. Arises out of the cancellation or rescission, or the failure to cancel or rescind, any
 25 motor vehicle registration and license plates for failure of the owner to verify or maintain motor
 26 vehicle liability insurance coverage.

27 3. Arises out of the issuance, denial, suspension or revocation of, or failure or refusal
 28 to issue, deny, suspend, or revoke a permit, license, certificate, approval, order or similar
 29 authorization.

30 4. Arises out of the failure to make an inspection, or the making of an inadequate
 31 inspection of any property, real or personal, other than the property of the governmental entity
 32 performing the inspection.

33 5. Arises out of any act or omission providing or failing to provide medical care
 34 to a prisoner or person in the custody of any city, county or state jail, detention center or
 35 correctional facility.

36 6. Arises out of a decision of the state commission of pardons and parole or its executive
 37 director when carrying out the business of the commission.

38 7. Arises out of a decision, act or omission of a city, county, the Idaho board of
 39 correction or Idaho department of correction when carrying out duties and responsibilities as set
 40 forth in chapter 8, title 20, Idaho Code.

41 8. Arises out of the operation of a sport shooting range as defined in section 6-2701,
 42 Idaho Code.